

Senate File 333 - Enrolled

Senate File 333

AN ACT

RELATING TO AUTHORIZED EMERGENCY VEHICLES, MAKING PENALTIES APPLICABLE, AND INCLUDING EFFECTIVE DATE AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.231, subsection 1, Code 2022, is amended to read as follows:

1. The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or misdemeanor, or in response to an incident dangerous to the public, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in [this section](#).

Sec. 2. Section 321.231, subsection 2, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. *c.* Drive the vehicle on the shoulder or median of a highway.

NEW PARAGRAPH. *d.* Disregard laws or regulations governing turning the vehicle in specified directions.

NEW PARAGRAPH. *e.* Disregard laws or regulations governing overtaking or passing other motorists.

Sec. 3. Section 321.231, subsections 3 and 4, Code 2022, are amended to read as follows:

3. The driver of a an official fire department vehicle, police vehicle, rescue vehicle, ~~or~~ ambulance, emergency medical services vehicle, or emergency management vehicle, or a peace

officer riding a police bicycle in the line of duty, may do any of the following:

a. Proceed past a red or stop signal or stop sign, but only after slowing down ~~as may be~~ to or maintaining a speed deemed necessary for safe operation by the driver based on information known to the driver at the time.

b. Exceed the maximum speed limits so long as the driver does not recklessly endanger life or property.

4. a. The exemptions granted to the driver of an authorized emergency vehicle under subsection 2 and to a the driver of an official fire department vehicle, police vehicle, rescue vehicle, or ambulance, emergency medical services vehicle, or emergency management vehicle as provided in subsection 3 shall apply only when such vehicle is making use of an audible signaling warning device meeting the requirements of section 321.433 or a visual signaling device, except that use of an audible or visual signaling device shall not be required when exercising the authorized under this chapter.

b. The exemption granted under subsection 3, paragraph "b", when the vehicle is operated by a peace officer shall be granted to a peace officer or reserve peace officer operating an authorized emergency vehicle without using an audible warning device or visual signaling device if such action occurs over the shortest distance necessary, does not recklessly endanger persons or property, and if the officer is pursuing a suspected violator of the speed restrictions imposed by or pursuant to this chapter for the purpose of determining the speed of travel of such suspected violator, or if the officer reasonably believes based on the facts and circumstances at the time that a suspected violator's knowledge of the officer's proximity may cause the suspected violator to destroy evidence of a suspected felony or aggravated misdemeanor, evade apprehension, or endanger the public or the officer.

c. The exemption granted under subsection 3, paragraph "b", shall be granted to the driver of an authorized emergency vehicle transporting a patient to a hospital without using a visual signaling device or audible warning device if a certified emergency medical care provider reasonably believes the patient's condition warrants rapid transport.

Sec. 4. Section 321.231, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. A peace officer operating an authorized emergency vehicle may execute a pursuit intervention technique if such execution is reasonable under the circumstances based on the information perceived by the officer at the time, and the officer has completed a training course approved by the Iowa law enforcement academy that instructs participants in the proper execution of pursuit intervention techniques. For purposes of this subsection, "*pursuit intervention technique*" means a method by which a peace officer operating a motor vehicle in pursuit of a fleeing motor vehicle causes or attempts to cause the fleeing motor vehicle to stop, including by use of reasonable force. This subsection shall not be construed to limit a peace officer's objectively reasonable use of force in connection with a pursuit.

Sec. 5. NEW SECTION. 321.231A Authorized emergency vehicles — parades and events.

1. The driver of an authorized emergency vehicle may operate the vehicle as part of an official governmental event for the purposes of the safety and security of an elected official, candidate for public office, or the public, or as part of a parade or other public service event if the parade or event is approved by the state or a municipality, as defined in section 670.1, at least one day prior to the date on which the parade or event will occur.

2. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a parade or event may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

Sec. 6. NEW SECTION. 321.231B Authorized emergency vehicles — immunity from liability.

1. The following shall not be liable for the consequence of any injury or loss arising from the operation of an authorized emergency vehicle in response to an emergency call or to an incident dangerous to the public unless the driver operates the authorized emergency vehicle with reckless disregard for the

safety of persons or property:

a. A fire fighter operating the authorized emergency vehicle who is certified by the fire service training bureau, as described in section 100B.6, as a fire apparatus driver operator, or an operator who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the fire service training bureau.

b. An emergency medical care provider, as defined in section 147A.1, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the department of public health.

c. A peace officer, as defined in section 801.4, or a reserve peace officer, as defined in section 80D.1A, operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the Iowa law enforcement academy.

d. An emergency management agency employee operating the authorized emergency vehicle who has completed an emergency vehicle operations course and any applicable continuing education requirements established or approved by the local or joint emergency management commission, and where the local or joint emergency management commission has adopted a written policy related to emergency vehicle operations. For purposes of this paragraph, "*emergency management agency employee*" means a member of the personnel, including but not limited to the coordinator, an operations officer, or an emergency management assistant, of a local or joint emergency management commission.

e. Any entity, including a nonprofit corporation, on whose behalf the fire fighter, emergency medical care provider, peace officer, reserve peace officer, or emergency management agency employee is operating the authorized emergency vehicle.

2. The protections from liability set forth in subsection 1 apply only when, in response to an emergency call or to an incident dangerous to the public, the driver operating the authorized emergency vehicle is utilizing a siren meeting the requirements of section 321.433 or flashing blue and red lights

authorized under this chapter. The protections from liability provided by subsection 1 apply in addition to any other defense to liability provided by law. This section shall not be construed to lower the standard of recklessness to recover against any entity or authorized emergency vehicle driver.

3. *a.* The driver of an authorized emergency vehicle, and any entity on whose behalf the driver is operating the authorized emergency vehicle, shall not be liable for any injury or loss arising from the operation of the authorized emergency vehicle unless reckless disregard for the safety of persons or property is proven by a preponderance of the evidence.

b. If a person brings a tort claim against the driver of an authorized emergency vehicle, a municipality, as defined in section 670.1, this state, or any other entity on whose behalf the driver is operating the authorized emergency vehicle, for any injury or loss arising from the operation of the authorized emergency vehicle, the court shall determine, on motion by any party or on its own motion, whether the person has presented sufficient, admissible evidence to support a prima facie finding of recklessness before the matter proceeds to trial.

Sec. 7. Section 321.324A, Code 2022, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. *a.* The driver of an authorized emergency vehicle may operate the vehicle as part of a funeral procession, and a peace officer may provide traffic control relating to a funeral procession upon request or when necessary for the safety of all persons.

b. Notwithstanding any provision of law to the contrary, an authorized emergency vehicle operating in a funeral procession or for traffic control relating to a funeral procession may display any of the vehicle's lighting devices. This subsection shall not be construed to exempt the driver of the authorized emergency vehicle from any duty to operate the vehicle with due regard for the safety of all persons.

Sec. 8. Section 321.433, Code 2022, is amended to read as follows:

321.433 Sirens, whistles, air horns, and bells prohibited.

1. A vehicle shall not be equipped with and a person shall

not use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section or any other provision of law.

2. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

3. Any authorized emergency vehicle may be equipped with a siren, whistle, air horn, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet, ~~but the.~~

4. An authorized emergency medical services program, fire department, or law enforcement agency may equip one or more vehicles with an air horn or a low-frequency siren.

5. An official fire department vehicle, emergency medical services program vehicle, or law enforcement vehicle owned by the state, a municipality, as defined in section 670.1, or a corporation providing emergency medical services, that was purchased, delivered, or refurbished on or after July 1, 2022, excluding an all-terrain vehicle or a special service vehicle, shall be equipped with an electric or electronic siren capable of emitting at least two distinct siren tones, and one or more compatible siren speakers.

6. An authorized emergency vehicle's siren, whistle, air horn, or bell shall not be used except when the vehicle is operated in response to an emergency call, an incident dangerous to the public, an official training exercise, in a parade or designated public service event, for maintenance or demonstration purposes, or in the immediate pursuit of an actual or suspected violator of the law, and the driver of the vehicle shall sound the siren, whistle, air horn, or bell when the driver reasonably believes necessary to warn pedestrians and other drivers of the approach of the vehicle.

~~2.~~ 7. A towing or recovery vehicle, unless owned by the state or a municipality, as defined in section 670.1, shall not be equipped with a siren.

8. For purposes of this section:

a. "Electric siren" means an audible warning device that produces sound using an electric motor with an attached

rotating slotted or perforated disc.

b. "Electronic siren" means an audible warning device that produces sound electronically using amplifiers and electromagnetic speakers.

c. "Low-frequency siren" means a siren that produces low-frequency sound waves and is used in addition to an electric or electronic siren.

Sec. 9. Section 321.451, subsection 1, Code 2022, is amended by adding the following new paragraphs:

NEW PARAGRAPH. g. A vehicle owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of a combination of volunteer and paid members, or a nonprofit corporation that delivers emergency services on behalf of a municipality, as defined in section 670.1, pursuant to a written contract, if the application for a certificate of designation is requested by the certified chief or certified fire officer of the fire department. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the fire service training bureau, as described in section 100B.6, provided proof of certification as a fire officer, and provided proof of financial liability coverage or risk pool coverage.

NEW PARAGRAPH. h. A vehicle owned by a chief, medical director, or certified medical provider of an authorized emergency medical service, if the application for a certificate of designation is requested by the chief, medical officer, or medical director of the authorized emergency medical service. However, the department shall not approve an application received pursuant to this paragraph unless the owner of the vehicle has completed an emergency vehicle operations course approved by the department of public health, and provided proof of financial liability coverage or risk pool coverage.

Sec. 10. Section 321.451, Code 2022, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A public or private entity shall not require an employee or volunteer to apply for or maintain a certificate of designation pursuant to this section as a condition of employment or of permitting the person to continue

to volunteer. A person shall not be required to operate or use a vehicle designated as an authorized emergency vehicle pursuant to this section.

NEW SUBSECTION. 5. This section shall not be construed to exempt the state or a municipality, as defined in section 670.1, from any duty to purchase, equip, maintain, or otherwise provide authorized emergency vehicles to meet any requirement to provide public services, including law enforcement, fire protection, rescue, emergency medical services, or emergency management.

Sec. 11. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 12. APPLICABILITY. The following applies to causes of action accrued on or after the effective date of this Act:

The section of this Act enacting section 321.231B.

JAKE CHAPMAN
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 333, Eighty-ninth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2022

KIM REYNOLDS
Governor